

DIRECTOR'S AGENDA

Eli Tome
Southeast Sovereign Lands Coordinator
August 31, 2015

DIRECTOR'S OFFICE

Approve _____
Deny _____
Director Brian Cottam
Date _____

ADOPTION OF SITE SPECIFIC PLAN 710 000015

DESCRIPTION OF LANDS DIRECTLY AFFECTED:

The USGS Potash Stream Gauge (USGS Gauge No. 09185600) is located on the Colorado River and includes approximately .50 Acres in Township 26 South, Range 20 East, Section 36 Salt Lake Base and Meridian. The gauge station consists of a transmitter and associated instruments on the west bank, with a sediment gauge on the east bank of the river, both in Grand County. The stream gauge is located W 1656 ft. S 229 ft. and the sediment gauge location is W 662 ft. S 305 ft. from northeast corner of Section 36, Township 26 South, Range 20 East, SLBM

PROPOSED ACTION:

Adoption of the site-specific plan prepared in conjunction with the application by the United States Geological Survey for a General Permit for measuring stream flow and sediment concentration within the Colorado River.

BACKGROUND AND GENERAL SITE CHARACTERISTICS

Though the Colorado River corridor along the Utah main stem has been modified by mankind through the numerous dams, this location remains fairly unchanged from its natural state. The last major flooding of the Colorado River occurred in 2011, resulting from melting of heavy snowfall in the Rocky Mountains and heavy rainfall.

The Colorado River has meandering curves and a deep stream channel in the project area. The river takes a sharp bend to the east upstream of the gauging station. Downstream from this location there are world class white water rapids within Canyonlands National Park. This gauge is the closest and most accurate instrument to record the flows in the Colorado before it is joined by the Green River downstream in the National Park.

The west side of the Colorado River, at the location where the stream gauge is installed, abuts a steep cliff approximately fifty feet high. The east bank, where the sediment gauge is installed, has a slight cliff of hard sandstone approximately 10 feet above the river and is just downstream from a densely vegetated river bank. Both banks are steeply cut in some areas due to down cutting of the river channel partially as a consequence of tamarisk abundance.

Just upstream from the gauge is a popular boat ramp used as the main access site for Canyonlands National Park's Cataract Canyon. In addition to recreation use, the boat ramp is used as an access point by the National Park Service, the Bureau of Land Management, Division

of Forestry, Fire and State Lands, Grand County Weed Department, and multiple non-profit entities to the Colorado River for noxious weed treatments and river patrols. There is no foreseen impact on river access due to the installation of the stream and sediment gauges.

A detailed description of the gauge provided by the USGS is as follows:

The gauge enclosure consists of a 3ft by 3ft by 3ft aluminum box attached atop a 6-inch diameter steel pipe pedestal. Enclosure height is approximately 4-5ft with a 2-inch diameter by 10ft high galvanized steel antenna pipe attached. A GEOS yagi antenna and 20-watt solar panel are affixed to the antenna mast. A 3/8-inch diameter plastic orifice tubing encased in steel galvanized pipe extends from the gauge enclosure to the water's edge. The tubing and pipe are buried where possible in a 6-inch deep trench dug from the gauge structure to the water's edge. The pipe is mounted to a large boulder at the water's edge and is visible from river level. Enclosure and steel pipe have been painted to fit the surrounding environment.

Equipment inside the enclosure consists of a pressure transducer, self-contained air-compressor, GOES radio, and a 12-volt, 26 amp hr battery. A series of enameled steel plates are installed on the bank at different elevations as reference to measure water/stage elevation. A crest-stage gauge consisting of a 2-inch diameter steel pipe, approximately 5 feet in length, mounted to two 4x4 inch wooden posts is installed in close proximity of the gauge. Two USGS flush mounted brass caps are installed in concrete footings approximately poured to a depth of 2 feet in close proximity to the gauge. One steel fence post is also mounted in concrete near the water's edge to serve as a back-up reference elevation mark to the staff gauge. Several hydro-acoustic monitoring devices are also installed in the river at the gauge site. A small 2ft by 2ft by 2ft automatic sampler is also installed on the east bank to collect sediment concentration samples. Data from this gauge is recorded at 15 minute intervals and transmitted hourly via GOES satellite radio and is available on the Utah USGS web page at <http://ut.water.usgs.gov/>.

On the 23rd day of July, 2014, the United States Geological Survey (USGS) submitted an application for a General Permit for a stream gauge on the west bank of the Colorado River and a sediment gauge on the east bank of river to measure stream flow and sediment concentration within the Colorado River prior to the construction of the gauge. The permit for the USGS gauge was not completed by the Division before the gauge was installed that fall. The stream and sediment gauge are approximately 500 feet downstream of Jackson Bottom (Potash) boat ramp.

Division personnel conducted a site visit at the project location on October 6th, 2014. Photographs were taken to document existing site characteristics observed at the time of the site visit.

CONSTITUTIONAL PROVISIONS, STATUTES, AND REGULATIONS

Utah Const. Article XX, Section 1

All lands of the state that have been, or may hereafter be granted to the State by Congress, and all lands acquired by gift, grant or devise, from any person or corporation, or that may otherwise be acquired, are hereby accepted, and ... are declared to be the public land of the State; and shall be held in trust for the people, to be disposed of as may be provided by law, for the respective purposes for which they have been of may be granted, devised or otherwise acquired.

Utah Code § 65A-10-1. Authority of division to manage sovereign lands.

(1) The division is the management authority for sovereign lands, and may exchange, sell, or lease sovereign lands but only in the quantities and for the purposes as serve the public interest and do not interfere with the public trust.

Utah Code § 65A-2-1. Administration of state lands - Multiple-use sustained yield management.

The Division shall administer state lands under comprehensive land management programs using multiple-use sustained yield principles.

Utah Code § 65A-2-4. State land management plans -- Division to adopt rules for notifying and consulting with interested parties.

(1) The division shall adopt rules for notifying and consulting with interested parties including the general public, resources users, and federal, state, and local agencies on state land management plans.

(2) Division rules shall provide:

(a) for reasonable notice and comment periods; and

(b) that the division respond to all commenting parties and give the rationale for the acceptance or non-acceptance of the comments.

R652-70-200. Classifications of Sovereign Lands.

Sovereign lands may be classified based upon their current and planned uses. A synopsis of some possible classes and an example of each class follows. For more detailed information, consult the management plan for the area in question.

1. Class 1: Manage to protect existing resource development uses. The Utah State Park Marinas on Bear Lake and on Great Salt Lake are areas where the current use emphasizes development.
2. Class 2: Manage to protect potential resource development options. For example, areas adjacent to Class 1 areas which have the potential to be developed.
3. Class 3: Manage as open for consideration of any use. This might include areas which do not currently show development potential but which are not now, or in the foreseeable future, needed to protect or preserve the resources.
4. Class 4: Manage for resource inventory and analysis. This is a temporary classification which allows the division to gather the necessary resource information to make a responsible classification decision.
5. Class 5: Manage to protect potential resource preservation options. Sensitive areas of wildlife habitat may fall into this class.

6. Class 6: Manage to protect existing resource preservation uses. Cisco Beach on Bear Lake is an example of an area where the resource is currently being protected.

R652-90-300(3).

In the absence of a comprehensive management plan or a resource management plan exists for sovereign land, site-specific planning shall be initiated either by:

- a) an application for a sovereign land use, or
- b) the identification by the division of an opportunity for commercial gain in a specific area.

R652-90-500(3) Notification and Public Comment.

3. Notice that a site-specific or resource planning effort is under way shall be given to:

- (a) affected parties as required by rule for exchange, or lease;
- (b) the Governor's Office of Planning and Budget for inclusion in the RDCC Project Management System for public and agency notification and comment.

R652-90-400. Site-Specific Planning.

1. When the division conducts site-specific planning it shall consider:

- (a) a comparative evaluation of the commercial gain potential of the proposed use with competing or existing uses;
- (b) the effect of the proposed use on adjoining sovereign lands;
- (c) an evaluation of the proposed use or action with regard to natural and cultural resources, if appropriate;
- (d) the notification of, and environmental analysis of, the proposed use provided by the public, federal, state, and municipal agencies through the Resource Development Coordinating Committee (RDCC) process; and
- (e) any further notification and evaluations as required by applicable rules.

R652-90-600(3) Public Review.

3. Upon completion of any planning process, the Record of Decision or other document summarizing final division action and relevant facts shall be provided to any persons requesting notice from the division.

FINDINGS OF FACT

- 1. The Division initiated the site-specific planning process upon receiving an application for use of sovereign land and determining that no management plan encompassed the proposed use.
- 2. The Green River is considered sovereign land.
- 3. The Governor's Office of Planning and Budget - Resource Development Coordinating Committee (RDCC) was notified at the beginning of the project with a state action proposal and accompanying map on 12/16/15, and posted under on the Project Management System website for 20 days.

CONCLUSIONS OF LAW

1. The Division fulfilled applicable planning, notification, and comment requirements.
2. The site-specific plan complies with applicable law.

DECISION AND ORDER

The Division has decided to approve and adopt the site-specific plan prepared in conjunction with the application described herein.

ADMINISTRATIVE APPEALS

Parties having an interest in this action may file a petition for administrative review of the Division pursuant to R652-9-300 and R652-9-400. Said petition must be in writing and shall contain:

1. The statute, rule, or policy with which the Division action is alleged to be inconsistent;
2. The nature of the inconsistency of the Division action with the statute, rule or policy;
3. The action petitioner feels would be consistent under the circumstances with statute, rule, or policy; and;
4. The injury realized by the party that is specific to the party arising from the Division action. If the injury identified by the petition is not peculiar to the petitioner as a result of the Division action, the Director will decline to undertake consistency review.

Any petition for review must be received by the Director of the Division of Forestry, Fire, and State Lands by 5:00 p.m. on the 28th day of September, 2015.

APPROVED BY:

BRIAN COTTAM, DIRECTOR
DIVISION OF FORESTRY, FIRE
AND STATE LANDS

PREPARED BY:

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REVIEWED BY:

LAURA AULT
SOVEREIGN LANDS PROGRAM MANAGER